

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-7, 9-10, and 31-33 were pending prior to this Reply. Claims 1, 4, 5, 6, 31, and 33 have been amended through this Reply. Therefore, claims 1-7, 9-10, and 31-33 are currently pending. Claim 1 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-7, 9-10, and 31-33 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 7,180,626 to Gassho et al. ("Gassho") in view of U.S. Patent No. 7,227,838 to O'Riordan ("O'Riordan"). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In the Final Office Action dated March 18, 2009, the Examiner indicates that he considers the "information processing device" of the present application to correspond to "item 50" of the Gassho reference. *See Office Action, line 7 from the bottom of page 2*. Furthermore, the Examiner indicates that he considers the "status change processing section" of the present application to correspond to "print load distribution apparatus 80" of Gassho. *See Office Action, page 3, line 5*. Accordingly, it is clear that the Examiner deems the "information processing device" of the present application to read on a combination of the item 50 and the print load distribution apparatus 80. *See Gassho, figure 3*.

Independent claim 1 recites, *inter alia*, a status change processing section that "instructs one or more other information processing devices to change into the active status when an amount of unprocessed data registered in the storage section exceeds a predetermined threshold value, and the status change processing section changes the information processing device into

the non-active status and causes the data processing section to process the unprocessed data". However, the "item 50" of Gassho does **not** have this function of the status change processing section, as claimed. Therefore, the "item 50" of Gassho **cannot** solely serve the functions of the "information processing device" of the present application. In other words, the Examiner must rely on a combination of at least the "item 50" and the "print load distribution apparatus 80" in order to even attempt to allegedly obviate the invention according to claim 1 on the basis of the disclosure of Gassho.

However, even if one of ordinary skill in the art, at the time of the invention, had been able to combine the "item 50" and the "print load distribution apparatus 80", which Applicants do not concede, such a combination would still fail to meet all of the limitations of claim 1. Gassho expressly discloses that printer 50 and print load distribution apparatus 80 are connected with the computer network 90 via respective network control circuits 53e and 80e. *See Gassho, figure 2; column 9, line 60 -- column 10, line 19.* Gassho fails to teach or suggest giving a particular address to the combination of the printer 50 in the print load distribution apparatus 80, nor would one of ordinary skill in the art find it obvious to do so. Furthermore, the O'Riordan reference has not been, and indeed cannot be, relied upon to cure this deficiency of Gassho.

Accordingly, the combination of Gassho and O'Riordan fails to teach or suggest each and every limitation of claim 1. Dependent claims 2-7, 9-10, and 31-33 are also distinguishable from the prior art at least due to their dependence from claim 1, directly or indirectly.

Therefore, Applicants submit that claims 1 -7, 9-10, and 31-33 are patentable over the prior art and respectfully request that the rejection of said claims under §103(a) be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

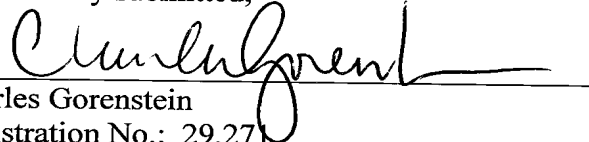
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, (Reg. No. 60,166)

at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 17, 2009

Respectfully submitted,

By 
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant